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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,055	04/19/2001	Tomoaki Hokao	P/126-203	8644
32172	7590	08/09/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			TRINH, SONNY	
		ART UNIT		PAPER NUMBER
		2685		
DATE MAILED: 08/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/838,055	HOKAO, TOMOAKI
Examiner	Art Unit	
Sonny TRINH	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 24 May 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4,6,7,9 and 11-13 is/are rejected.  
 7) Claim(s) 3,5,8 and 10 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-2, 4, 6-7, 9, 11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz et al. ("Franz"; U.S. Patent number 6,266,642) in view of Caccuro ("Caccuro"; U.S. Patent number 5,440,615).

Regarding **claim 1**, Franz discloses a mobile terminal which is bearable by a user and which is capable of performing both of sending and receiving operations ("portable unit", see also column 6 lines 16-40), comprising:

a storage unit which registers first language information which identifies a first language used by the user in the mobile terminal (figures 1-5, see descriptions);

a language translation unit which translates outgoing information from the first language into the second language and/or incoming information from the

second language into the first language (figure 2, translation module 230); and an output unit which outputs the translated information (figure 3).

However, Franz does not disclose a determining unit which determines second language information which identifies a second language, on the basis of language information included in a calling telephone number entered by the user of the mobile terminal or in a reception telephone number received by the mobile terminal.

In an analogous art, Caccuro teaches a language selection for voice messaging system. With reference to figures 4-7 and their detailed descriptions, Caccuro further teaches a determining unit which determines second language information which identifies a second language, on the basis of language information included in a calling telephone number (these are the originating Country Code) entered by the user (column 1 line 51 to column 2 line 11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Franz, the determining of the different languages based on the caller line identification, as taught by Caccuro, so that a correct language is identified in order to have a meaningful communication.

Regarding **claim 2**, Caccuro further teaches that the language information includes a country code of the telephone number (column 1 lines 51-66).

Regarding **claims 4, 9**, Caccuro further teaches the information receiving unit which receives the language information from the originator's terminal,

wherein the determining unit uses the received language information as the language information to determine the second language (column 2 lines 1-10).

Regarding **claim 6**, Franz further teaches that output unit comprises at least one of a display unit to display characters or images (figure 1) and sound output (figure 3, step 314).

Regarding **claims 7, 11-13**, these claims merely reflect the method, medium, computer data, and programming code for performing the necessary functions as oppose to the apparatus of claim 1 and are therefore rejected for the same reasons.

#### ***Allowable Subject Matter***

2. **Claims 3, 5, 8, 10** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claims 3, 8** the prior art provided numerous examples of language translation devices in the radiotelephone communications, but failed to disclose or fairly suggest the specific combination of structural and functional limitations set forth in claims 3, 8, specifically, the language information sending unit which sends the language information to a calling terminal if no language information is included in the calling telephone number.

Regarding **claims 5, 10**, the prior art also fails to show a radio communicating unit which communicates via a radio network, wherein the determining unit determines the second language by using the language

information included in signals which are radiated from a base station if there are no language information in the calling telephone number or the reception telephone number.

### **Conclusion**

***Any response to this action should be mailed to:***

*Commissioner of Patents and Trademarks  
Washington, D.C. 20231*

***or faxed to:***

*(703) 872-9306, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")*

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6<sup>th</sup> Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

8/3/04

  
SONNYTRINH  
PRIMARY EXAMINER